



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) No.515 of 2017

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Manickam

.. Petitioner/Petitioner

Vs.

State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District,
Crime No.269 of 2012.

... Respondent/Respondent

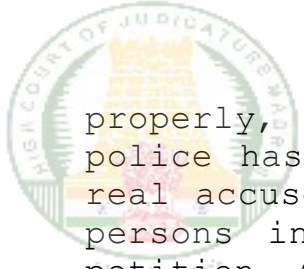
Petition filed under Sections 397 read with 401 Cr.P.C, against the order dated 27.03.2015 passed in R.No.1991 of 2014 on the file of the Judicial Magistrate, Aranthangi, Pudukottai District.

For Petitioner	: Mr.A.Thiruvadikumar
For Respondent	: Mr.C.Mayilvahana Rajendran Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the order passed in R.No.1991 of 2014 by the Judicial Magistrate, Aranthangi.

2.The petitioner is the brother of one Thangavelu. On 18.07.2012, the wife of the petitioner one Rajeswari and their two children Gnanamurugan aged 7 years and Yoga aged 3 ½ years died in suspicious circumstance. Hence, the petitioner has given a complaint before the respondent police stating that his wife Rajewari is a mentally retarded person and on the date of occurrence, the brother of the petitioner went to a temple and the petitioner/defacto complainant went for his agricultural work. When he returned home at about 04.00 pm, he found his son died with a head injury inside the house and also found his wife and daughter were missing. When he searched for them, he found both his wife and daughter dead inside a old well. Hence, he lodged a complaint before the respondent police to take necessary action. Based on the complaint, a case has been registered in Crime No.269 of 2012 under Section 302 IPC. Thereafter, investigation was conducted and after examining witnesses, the respondent police filed final report stating that the deceased Rajeswari is a mentally retarded person and she has only murdered her children and also committed suicide. Thereafter, the petitioner has filed a protest petition alleging that the investigation was not conducted



properly, real accused were not identified and the respondent police has suppressed many material facts in order to escape the real accused in this case. The petitioner has also suspected four persons in the said murder. The Court below has dismissed the petition. Challenging the same, the present Criminal Revision Case has been filed.

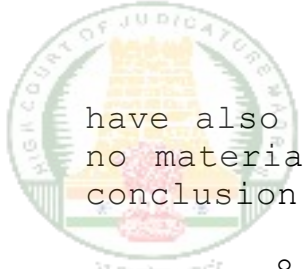
3. Heard A.Thiruvadikumar, learned counsel for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor for the respondent.

4.The learned counsel appearing for the petitioner would submit that the respondent police without conducting proper investigation in order to find out the real culprit, closed the case as if the wife of the defacto complainant has murdered the children and also committed suicide because of her mental illness. It is further submitted that the petitioner has made allegations against four persons and no proper enquiry was conducted on that ground and only because of the improper investigation conducted by the respondent police, the real accused have escaped from the clutches of law.

5.Per contra, the learned Additional Public Prosecutor for the respondent submitted that the respondent police conducted proper investigation and examined all the witnesses. Even during enquiry, the petitioner/defacto complainant has stated that his deceased wife is a mentally ill patient and only due to her mental illness, she murdered two children and also committed suicide. Even, as per the order passed by this Court in a Writ Petition filed by the petitioner, investigation was also monitored by the Superintendent of Police, Pudukottai till the date of filing of final report and therefore, there is no infirmity in the investigation.

6.I have considered the rival submissions made on either side and perused the case diary thoroughly.

7.From the materials available on record, it could be seen that at the time of filing complaint, the defacto complainant did not make any allegation against anybody and he has stated that his deceased wife is a mentally retarded person. Subsequently, during investigation, the petitioner and his brother viz., Thangavelu have given a statement that only due to mental illness, the deceased wife of the petitioner has attacked his son with wooden log and thereafter fell into the well carrying her female child. The medical report also shows that the boy was died due to head injury and the female child was died due to drowning. When investigation was in progress, being not satisfied with the investigation, the petitioner has approached this Court seeking a direction to change the investigation in WP(MD)No.11606 of 2013 and this Court by order dated 29.08.2013, directed the Superintendent of Police, Pudukottai District to monitor the investigation and the investigation was also monitored by him. I



have also gone through the Case Diary and satisfied that there is no material available to suspect any other hypothesis other than conclusion arrived by the respondent police.

8. In view of the above circumstances, considering the entire materials, absolutely there is no material available to create any doubt as alleged by the petitioner. The Court below has considered all the materials and dismissed the petition. I find no illegality or irregularity in the order passed by the Court below.

9. In fine, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(Records)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Judicial Magistrate, Aranthangi,
Pudukottai District

2. The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A. THIRUVADI KUMAR, Advocate SR.No.64892

mj

MAS/GT/SAR2:25.07.2017:3P-5C

Cr1.R.C(MD)No.515 of 2017
12.07.2017